



Appeal Decision

Site visit made on 18 June 2009

by **J D Westbrook BSc(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:
enquiries@pins.gsi.gov.uk

Decision date:

Appeal Ref: APP/Q1445/A/09/2097789

Blind Busker Public House, 75-77 Church Road, Hove, BN3 2BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Bay Restaurant Group Ltd against the decision of Brighton and Hove City Council.
- The application (Ref BH2008/02651), dated 4 August 2008, was refused by notice dated 5 January 2009.
- The development proposed is two new jumbrellas to the front decked area and the erection of a new half-glazed timber screen to the perimeter of the existing decking.

Decision

1. I dismiss the appeal.

Main issue

2. I consider the main issue to be the effect of the proposed screen and jumbrellas on the character and appearance of The Avenues Conservation Area.

Reasons

3. The appeal property is a bar/restaurant situated within a terrace of properties on the north side of Church Road. Church Road is a busy commercial street with a range of retail units, as well as a number of A3, A4 or A5 units. The property also lies within The Avenues Conservation Area. The Conservation Area in general comprises a variety of architectural styles, but typical features include bays, balconies and canopies, with boundaries marked by low walls – many with railings above. Properties either side of the Blind Busker exhibit a number of these features.
4. The Blind Busker is a double-fronted bar/restaurant with a horizontal fascia above new and redesigned bay windows. Above the fascia, the upper two floors appear as original and match those of the neighbouring buildings. There is a raised wooden decking area, with seats and tables, to the front of the property across approximately two thirds of its width. The boundary of the decking area with the rear of the pavement is marked by flower boxes, whilst the boundaries with neighbouring properties are marked by low railings and wooden trellis panels. The proposal would involve the erection of a wood and glazed screen around the decking area, and the fixing of two jumbrellas on the decking. The panels would be some 1.5 metres high.
5. In my opinion, the proposed screen, which would have a wood base with glazed panels above, would be out of character with other boundary treatments in the vicinity in terms of height, design and materials used. I find, therefore, that it would be detrimental to the character and appearance of The Avenues Conservation Area.

6. There is an existing planning permission, granted in 2007, for the addition of two retractable canopies to the front elevation. These would apparently extend to provide cover to the whole of the external seating area. At the time of my inspection, there were a number of units along Church Road that had canopies extended, and this would appear to be a feature of the commercial area along the road. By way of contrast, I consider that the jumbrellas would represent a modern-looking and alien feature, out of keeping with the character and appearance of the area.
7. The appellants contend that the umbrellas would be necessary to provide cover for customers using the external seating area, and that they would cover a smaller area than the canopies. However, I note the existence of the fall-back situation of the canopies, that would apparently serve the same purpose as the jumbrellas. Furthermore, despite the greater coverage of the canopies, I consider that they would be in keeping with the context of the Church Road part of the Conservation Area, and would comply with advice in the Council's adopted Supplementary Planning Document: *Shop Front Design*.
8. The appellants have provided an alternative plan showing the decking area without the boundary screen, but including jumbrellas with portable bases. The omission of the boundary screen would clearly overcome the harm that it would cause to the Conservation Area, but this would still leave the issue of the unsympathetic appearance of the jumbrellas. The appellants contend that they might be able bring mobile jumbrellas onto the decking without planning permission. If that were to be the case, then that would be an option open to them but, for my reasons stated above, I consider that fixed jumbrellas would be a feature out of keeping with the area.
9. I conclude, therefore, that the proposals would be harmful to the character and appearance of The Avenues Conservation Area, and would conflict with saved policies QD14 and HE6 of the Brighton and Hove Local Plan.

J D Westbrook

INSPECTOR